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ABSTRACT

Designed for grades six through nine, this manual teaches students how the Pennsylvania juvenile justice system works. It explains what a juvenile can expect if accused of violating Pennsylvania law in the hope of convincing students to stay out of trouble with the law. The manual gives a brief history of juvenile justice and a description of the present-day system. It explains two common types of cases in the juvenile justice system--dependency cases and delinquency cases. Finally, the document provides a step-by-step explanation of what happens if a juvenile enters the juvenile justice system. A teacher's guide accompanies the student manual. It includes five lessons with goals, methods, and possible activities to assist student understanding of the Pennsylvania juvenile justice system. Activities rely on a participatory methodology and include role playing exercises, small group work, and case study. Also included are a series of discussion and review questions, cartoons, and a crossword puzzle where the responses to questions about the juvenile justice system are used to fill in the blanks. The teacher's guide strongly recommends the use of community resource persons, for example attorneys, juvenile court judges, and juvenile probation officers to provide accurate and realistic information for students and to allow them to see the law enforcement personnel first hand. (LH)

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ED 387 381

Pennsylvania Juvenile Justice Manual

For Junior High School and Middle School Students

Published by TEMPLE-LEAP
(Law, Education and Participation Project)

TEMPLE UNIVERSITY SCHOOL OF LAW

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PREFACE

The Pennsylvania Juvenile Justice Manual was written as part of the Temple-LEAP Pennsylvania Law-Related Education Training and Dissemination Project by Assistant Professor Robert L. Hayman, Jr. of the University of Missouri-Kansas City School of Law. Mr. Hayman received his Master of Laws Degree from Temple University School of Law in 1987 and was formerly Assistant Director of the D.C. Street Law Project, Washington, D.C. The materials were reviewed and edited by Beth E. Farnbach, Executive Director, Albert J. Cunningham and David Keller Trevaskis, Temple-LEAP, Temple University School of Law.

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TABLE OF CONTENTS

Introduction 1
A Pennsylvania Juvenile Justice Manual 4
The History of Juvenile Justice 5
The Pennsylvania Juvenile Justice System 5
Dependency Cases 6
Delinquency Cases 8
What Happens if You are Stopped for Questioning 9
What Happens if You are In Custody 10
What Happens in the Juvenile Justice System
Pre-Adjudication 12
The Intake Interview 12
Warning and Dismissal 12
Informal Adjustment 12
Filing a Petition 13
A Consent Decree 13
Detention 13
The Hearing 14
Probation 15
Placement 15
Closing the Case 16
Court Records 16
Warning: "Transfer" to Adult Court 16

INTRODUCTION

by
Judge Nicholas A. Cipriani

For the past two decades the most dynamic area of the law has been the rights of children. This is an enormously broad subject because it encompasses not only procedural rights in juvenile court proceedings and the application of constitutional rights to juveniles but also the complex issues of the political, social and economic position of children in our culture.

Although our courts in the early 19th century proclaimed the state's rights to protect children from neglect or corruption, the state rarely intervened in child-rearing. In this century, however, as the family came to share the familiar tasks of teaching, caring for and disciplining children with such other institutions as schools, welfare agencies, doctors and clinics, new relationships between children and these other authorities developed. The law was forced to recognize these relationships because it often had to resolve conflicts between social institutions and parents as to who had authority over the child.

Under the philosophy of the Juvenile Code in Pennsylvania, two concepts are emphasized: (1) to rehabilitate and treat juveniles rather than punish, and (2) to preserve the family unit whenever reasonably possible.

The rights of juveniles pertain to children's rights when juveniles are charged with a crime (juvenile justice), and also to cases where children are in need of care, treatment or supervision (dependency matters involving abuse and neglect). The absolute right of a parent over a child is limited by the laws of the state permitting intervention where the parent is "unfit".

The courts have ruled that children have constitutionally protected interests. The protected rights include the right of liberty, property and the welfare of the juvenile. Because schools, social agencies and other forces of society play an important role in the development of children, it is important that the rights and obligations of children are known to all who come into contact with juveniles. We should strive to see that children are afforded their constitutional rights in order that they may have an opportunity to enjoy the gifts of life. To achieve such a goal, this manual is dedicated.

Honorable Nicholas A. Cipriani
Senior Judge, Family Court Division
Philadelphia County Court of Common Pleas
Vice-Chairman, Pennsylvania Juvenile Court Judges Commission

A Pennsylvania Juvenile Justice Manual

As a student in Pennsylvania you have no doubt seen examples of how the law operates in your daily life. Police patrol vehicles with sirens, the ticketing of traffic law violators, the requirement that you attend school and the sales tax added to items that you buy are an obvious few.

Do you understand what happens when you are accused of violating the law and what can happen to you as a result? With whom will you have to deal? Should you speak freely with the police, friends, your parents and others? Can you get a lawyer to help you? What can happen to you?

This manual is designed to teach you how the Juvenile Justice System works in Pennsylvania. Details of the process may vary from county to county, but this manual gives you a good idea of what you can expect to experience at every step if you are accused of violating the law in Pennsylvania. So you see, it is important that all juveniles in the state understand how the system works, not just the "bad" kids.

In addition, we hope that you will learn even more about how the system works in your community by getting a chance to meet with juvenile court judges, juvenile probation officers, juvenile police officers and lawyers who work with juveniles in your area.

Fourteen-year-old Cindy, from Allentown, refuses to go to school anymore. She spends the whole day at the shopping mall playing video games. Eleven-year-old Pat, from Johnstown, is hit too hard by his father. He has to go to the hospital for the third time this year. Twelve year old Billy, from Philadelphia, is arrested for shoplifting. It is his first arrest. What will happen to Cindy, Pat and Billy? The answer will probably be found in Pennsylvania's Juvenile Justice System.

The Juvenile Justice System in Pennsylvania is set up for young people in trouble. Its purpose is to help. The idea is that young people need special help when they are in trouble; they don't need just to be punished. Some people think that the system is too soft on juveniles; some people think that the system is too tough on them. But everyone agrees that, in theory, the system is there to help. Some juveniles in the system may not view the structure, authority and discipline that they find there as help. It may be help, however.

THE HISTORY OF JUVENILE JUSTICE

Years ago, there was no special legal system set up for young people. All, except for very young children, were treated just like adults. Children who were being abused or neglected had nowhere to go for help. Children who broke laws were treated like adult criminals.

Over time, special systems for young people developed in America. Each state developed its own system of "juvenile justice." At first, these special juvenile courts tried to act like parents to children in trouble. They offered help and guidance to young people. However, like parents, they also felt the need to sometimes punish young people who had done something wrong. In this special system, young people did not have the same rights that adults had in the regular system of criminal justice. For example, they did not have the right to an attorney when they had to appear in juvenile court. To many people who cared about children, this seemed unfair, since it meant that the young people were at the mercy of these courts.

Gradually, the juvenile justice systems changed. Based partly on opinions of the United States Supreme Court—the highest court in the nation—the states began to give juveniles more rights in the juvenile justice system. Today, the juvenile court system looks quite a bit like the adult criminal system. Some people think this is bad. After all, they say, the whole idea behind a separate system of "juvenile justice" was that young people need to be treated differently from adults. Other people think these changes have been good. Juveniles can get special help, they say, without giving up the rights that adults have.

THE PENNSYLVANIA JUVENILE JUSTICE SYSTEM

In Pennsylvania, the state law says that the main purpose of the juvenile justice system is to provide "supervision, care and rehabilitation" to young people in trouble consistent with the protection of the public interest. People who work for the juvenile justice system—judges, lawyers, probation officers and social workers—are there to help. If they don't try to help, or if they don't respect the rights of the young people they work with and the rights of the community, then they are not doing their job.

In Pennsylvania, a "child" is any person under the age of 18. Although it is not as clearly defined, the word "juvenile" is more commonly used to mean the same thing. Cases involving juveniles are handled in juvenile court. In some counties, the juvenile court judges are special family court judges who only decide cases involving families or children. In other counties, the juvenile court judges are regular judges who decide all kinds of cases.

DEPENDENCY CASES

Sometimes the juvenile court system becomes involved in a child's life because he is not treated well at home. In these cases, the state gets involved to protect the young person from his parents, guardian or some other person in the home. In other cases, the state can help parents to get services to aid them in caring for their children and in dealing with them properly when something is wrong. These kinds of cases are called "dependency" cases, since the children involved in these cases supposedly need state protection, or are "dependent" on the state.

There are three basic kinds of "dependency" cases. In the first kind, the state gets involved because the parents do not —or can not —control their child. In Pennsylvania, these juveniles who need help are considered "ungovernable," since no one seems to be able to control—or "govern"—their behavior. The idea behind these cases is that the juvenile needs more supervision than is being provided at home, so the state must get involved to help out. This usually happens when a juvenile keeps refusing to do something that he should do. Sometimes the state will get involved because the parents ask for help. Other times, the state will get involved on its own, even though the parents may not think that there is a problem.

The most common type of "ungovernable" case involves truancy from school. If a child keeps skipping school, he may need supervision from the state. Another type of "ungovernable" case involves a child who refuses to obey her parents. These juveniles may also require state supervision. The state should get involved in this type of case only if:

1. the parents' orders are within the law;
2. the child often disobeys the parents' orders; and
3. the child's refusal causes a *serious* problem in the family.

In "ungovernable" cases, both the parent and the child may be doing something wrong. The parent may not be trying—or may not know how—to supervise the child. The child may not be trying—or may not know how—to obey the parent.

In the other two kinds of "dependency" cases, the juvenile does not do anything wrong at all. In these cases—"abuse" cases and "neglect" cases—the state gets involved only to protect the child from mistreatment by his parent or guardian.

Sometimes parents mistreat their children with mean and unnecessary punishments, with bad beatings or by constantly saying cruel things to them. This kind of mistreatment is called "abuse." Sometimes parents mistreat their children by not feeding them properly, by not taking care of them when they are sick or by letting them live in an unhealthy home so that they are likely to get sick. This kind of mistreatment is called "neglect."

Usually, the state gets involved in "abuse" and "neglect" cases only to protect the children. The juvenile court may order the parents to stop mistreating their child and may watch over them to make sure that they follow the order. The juvenile court may order the parents to get help from special counselors or social workers. The court may even take the child away from the parents for a while and have the child live with a relative. In very serious cases, the court may take the child away and have him live in special protection in a foster home or a state home. And in the most serious cases, when the parents can't or won't learn to take care of their child properly, the child may be taken away for good and put up for adoption. Even in cases of abuse the state, when it helps, must first see if it is possible to provide help while the child lives at home.

Some people think the state does not get involved often enough in dependency cases. They point out that there is a lot of abuse and neglect, and that the effects of this mistreatment on the child can be very, very bad. Some people think the state gets involved too much in "dependency" cases. They say that poor people get accused of "abuse" and "neglect" just because they do not raise their children the way people with more money say the should. They also say that children are usually better off with their parents than in foster care even if their parents are not the best.

One problem in these cases is deciding what is "abuse" and "neglect." A parent who gently slaps his child's hand is not guilty of "abuse." But a parent who bruises her child with beatings probably is guilty of "abuse." Where do you draw the line? A parent who lets her child eat ice cream is not guilty of "neglect." But a parent who feeds his child nothing but ice cream and other sweets probably is guilty of "neglect." Where do you draw the line? Many factors should be considered: the beliefs of the parents, how the child feels about it, and most importantly, whether the child is being hurt in any way. Still, it is often a tough decision to make.

There are many ideas about what causes abuse and neglect. Some people think it happens when parents are too immature to have children. Some people think it happens because parents have other problems that they take out on the child. Some people think it happens because the parents don't know any better.

One thing is for certain: parents who abuse or neglect their children have a problem. They may be rich or poor, college graduates or high school dropouts, any color and any religion. They may not be able to help themselves. They may love their children very much but not know how to keep from mistreating them. No matter, they are wrong for what they do. It is never—*never*—the child's fault that his parent abuses or neglects him.

If you think that there may be a problem in your home, talk about it with some adult you trust. Talk to your favorite teacher, or your doctor, or your priest, rabbi or minister. Talk to any adult you like and trust. Or talk to someone who is specially trained to deal with this problem. Just make sure that you talk to someone.

If you do become involved with the juvenile court as a "dependent" youth, there are three things you should try to do.

1. Always make sure you understand what is happening—if you're not sure, get your lawyer, social worker, or the judge to explain it until you do understand.
2. If you're not happy where you are, ask about other places to live—you may be best off where you are, but you won't know for sure until you talk to your lawyer or someone else about all the possibilities.
3. If you're unhappy about anything, tell your lawyer—you have certain rights that must be protected, and your lawyer should be there to help. If your lawyer doesn't seem to care, then talk to someone who does.

One last thing: be very careful if you think you know someone who is being abused or neglected. Abuse and neglect are very serious matters. It is a very serious matter to report abuse and neglect. Do not make these reports unless you really believe there is a problem. If you're not sure, talk to some adult whom you trust. But whatever you do, don't ignore the problem. Someone may need help.

DELINQUENCY CASES

Sometimes the state gets involved in a juvenile's life because someone thinks he has done something illegal. If the juvenile court becomes involved because the juvenile is accused of breaking the adult criminal laws, then the case is called a "delinquency" case. If a juvenile does something that would be a crime for an adult to do, and the court thinks the juvenile needs help or supervision, then the juvenile is said to have committed a "delinquent" act, and the youth is said to be a "juvenile delinquent."

Delinquency cases are much different from abuse and neglect cases. In abuse and neglect cases, the child may have been morally wrong or may have disobeyed the rules of his parents, but has not committed any state or federal crime. Delinquency cases are a bit more like "ungovernable" cases. The difference is that in those cases the juvenile does something that breaks the special laws for children, like skipping school or refusing to obey parents. In a delinquency case, the juvenile does something that is against the law for everybody; something that would be a crime if it was done by an adult.

If a 25-year-old snatches a purse, that is a "crime." If she is convicted, she is considered a criminal and can be fined or sent to prison. If a 15-year-old snatches a purse, that is a "delinquent act." If the juvenile court finds that she is guilty of snatching the purse, she may be considered a "juvenile delinquent." She may be placed on probation or sent to a special home for delinquent youth, but she cannot be sent to prison.

Why should juveniles be treated differently from adults? The difference, remember, is in the basic idea—or philosophy—behind the juvenile court. The adult criminal system can try persons for a crime and, if they are found guilty, can penalize them with fines or imprisonment. The juvenile justice system, however, is set up to identify juvenile delinquents, and then "rehabilitate" them through counseling or other programs. The idea is that young people may not be mature enough to realize that what they have done is really wrong. They may also be more willing and able than adults to learn from their mistakes and change their ways. Whether they really can change or not depends in part on the people who are supposed to help. It also depends on the young person himself.

WHAT HAPPENS IF YOU ARE "STOPPED" FOR QUESTIONING?

Jack and Jill went up the hill
to fetch a pail of water.
Jack fell down and broke his crown
and Jill spent the next five
years in a state home for girls.

Suppose you were a police officer and you found poor Jack, lying on the ground, bleeding from his head. Standing beside him is Jill, holding a wooden bucket and looking very nervous. What would you do? Would you arrest Jill? Would you ignore her and let her leave?

Most officers in that situation would first call an ambulance for Jack. They would then want to ask Jill a few questions. Whether they would next arrest Jill or just let her leave would depend mostly on how Jill answered the questions.

Would police have a right to "question" Jill? The answer is "yes." Police can ask Jill questions anywhere and at any time, as long as they do not harass her. However, Jill does not have to answer their questions. Jill has the right to walk away, unless the police tell her that she is not free to go.

So the real question is, can the police "stop" Jill from leaving, can they make her stay while they ask her the questions? The answer is that police can stop her only if they have some good reason to believe that she has done something wrong or that she needs immediate help. If Jill had just been walking by while the police were with Jack, then she probably could not have been "stopped" for questioning. The police would not have had any reason to believe that she had done something wrong. But if Jill had been standing over Jack, holding a bloody bucket and laughing, then the police would have the right to "stop" her to ask a few questions. She still would not have to answer them—more about that later—but the police could keep her there until they either 1) were satisfied that she had done nothing wrong; or 2) were sure enough that she had done something wrong that they were willing to arrest her and take her into custody.

Now suppose Jill is just standing beside Jack, holding the bucket and looking nervous. The police officer probably has good enough reasons to at least "stop" her to ask a few questions. The officer takes the bucket from Jill and asks "What happened? What are you doing with that bucket?"

What should Jill do?

She could say, "Hey, slow down. One question at a time."

She could say, "None of your business," slap the officer and walk away.

She could turn and start to run away.

She could say, "I clubbed the jerk over the head and I'm glad I did it and I'd be happy to sign a confession. Just kidding, officer."

She could drop the bucket and say, "How should I know? I don't even know him. I just got here, and I was not holding any bucket."

None of these responses would be smart ones. They would all get Jill into trouble. She would be better off following two basic sets of rules.

First there are some things you should *never* do when you are "stopped" by a police officer:

—NEVER curse or insult a police officer.

—NEVER try to run away.

—NEVER strike a police officer.

—NEVER tell the officer lies or make up foolish excuses.

Second, there are some basic rules to follow in deciding what to say when the officer asks questions.

—It's usually okay to *tell the officer your name, address and age.*

—*If you are sure* that you have done nothing wrong, then you can answer the rest of the officer's questions *in an honest and respectful way.*

—*If you are not sure* whether you've done something wrong or not, or if you don't want to answer any questions, then say to the officer: "*I don't want to answer any more questions. I want to talk to a lawyer. May I please talk to my parents?*"

Remember, you have an absolute right to refuse to answer questions. So if you decide that you don't want to talk to the officer, then that is okay. Don't let anyone talk you out of it. Make sure you just say:

I don't want to answer any more questions.

I want to talk to a lawyer.

I want to talk to my parents.

Then don't say anything or sign anything until you've spoken with your lawyer.

If you don't want to answer any questions, it is very important that you make this clear to the officer. It is also very important that you ask for a lawyer, and not just for your parents or some other adult. Your parents or other adult may be able to help you with the problem, but they cannot provide the legal protection that a lawyer will give you. So if you want to see your parents, then that is fine; but if you think that you might want legal protection, make sure you also ask to see a lawyer.

Keep in mind that the police officer's job is to find out the truth. She may want to ask you a lot of questions. When she does that, she is usually just doing her job.

Frequently, the young person and the police officer can work things out right on the scene. Sometimes, a lot of it depends on the officer. Many police officers will do everything possible to try to help out the juvenile. They will be patient and understanding, and they know how to work with people. Some other officers may not be so helpful. Usually, though, what happens depends mostly on the juvenile. A young person with a good attitude, who is calm, considerate and careful, can usually work things out. A juvenile who loses his temper, or who tries to get smart with the officer, is usually in for a hard time.

So...if Jack and Jill go up the hill
to fetch a pail of water,
and Jack fell down
and broke his crown,
then Jill should get help, stay calm,
explain to the police officer that what happened was just an accident, and everyone will live happily ever after.

WHAT HAPPENS IF YOU ARE "IN CUSTODY"

When you are "stopped" by the police, you often may find that there is an easy solution to the problem. Remember, many problems can be avoided if you just are "calm, considerate and careful."

Sometimes, there may not be an easy solution to the problem. Your explanation might not be enough to satisfy the officer, even if you're sure that you didn't do anything wrong. In this case, the officer may decide to place you "in custody." "In custody" is more serious than just being "stopped for questioning." "In custody" means that you are not free to leave, and that the officer probably plans to make you go to the police station. To find out if you are "in custody," ask the police officer "May I please go now?" If the officer says "no," then you are "in custody."

You can be placed "in custody" only if:

a. the officer has a court order to put you in custody; or

b. the officer has "probable cause" to believe that you have committed a delinquent act, and places you under arrest; or

c. the officer has good reason to believe that you are a dependent child in need of immediate help or that you are a runaway.

If you are placed in custody, try to find out why. It may just be a misunderstanding that you can clear up. If not, then you should know your rights while "in custody."

A juvenile who is "in custody" as a suspected delinquent has the same basic rights as an adult who is under arrest as a suspected criminal:

You have the right to remain silent—you do not have to answer any questions.

You have the right to an attorney—you can ask to have a lawyer be with you while the police ask you questions; if you or your parents can't afford a lawyer, then the court will get one for you.

If you do talk, anything you say can be used against you—if you end up having to go to court, then, if your rights have been explained to you and you understood them but decided to talk anyway, what you say to the police officer may be used to prove the case against you.

The police officer should read and recite these rights to you as soon as you are placed in custody. She may wait until your parents or some other adult are present. This is because the law requires that you understand your rights, and if you are too young to understand them, then you must have an adult present to help you decide what to do. She will then ask if you (and your parents) understand the rights. Then she will probably want to ask you questions. If she doesn't read and recite your rights to you after you are placed in custody, then what you say generally cannot be used against you later. Your statements can be used against you only if you have had your rights explained to you, if you understand them and if you decide to "waive" your rights by talking anyway.

There are three things about these rights that many people get confused. You should make sure that you understand them.

First, most people don't know that anything you say on your own to the officer before you are "in custody" or before you are "questioned" can be used against you later, even if you have not been read your rights. The police only need to read you your rights if they place you in custody and question you.

Second, most people don't know that if the police do place you in custody but forget to read you your rights, it does not mean that the case against you has to be dropped. All it means is that the things that you then say while being questioned cannot be used in court. Still, the case against you may be proved with other evidence.

Third, most people don't realize that if the police do read you your rights, it does not mean that you can then talk without having to worry about hurting your case. In fact, it means just the opposite. Once your rights are read and recited to you, you can "waive" your rights by answering questions. Anything you then say can be used against you later. That's why most "defense" lawyers say:

If you are placed in custody—keep quiet. Tell the police officer: "I don't want to say anything or sign anything. I want to talk to a lawyer. I want to talk to my parents."

It is probably better to ask for a lawyer than for your parents or some other adult. If you ask for a lawyer, the police can not ask you any more questions until your lawyer is with you. Asking for your parents does not provide the same protection although they ought to be present. Also, only a lawyer can best help you make sure that you do not "waive" your rights unknowingly. So it's good to have the help of your parents, but for legal protection you really need a lawyer.

If you are "in custody," follow the same general rules for dealing with the police as when you are "stopped." Remember not to act out, because that will only make the officer angry and hurt your case. Keep in mind that the police officer's job is to find out the truth. When he asks you questions he is only doing his job. And remember, unless you're absolutely sure that you know what you're doing, don't say anything or sign anything until you've seen a lawyer. Tell the officer, "I don't want to say anything or sign anything. I want to talk to a lawyer. I want to talk to my parents." If you have any doubt at all about what to do, then keep quiet until you can talk to your lawyer. It's your right.

WHAT HAPPENS IN THE JUVENILE JUSTICE SYSTEM

PRE-ADJUDICATION

Alice is thirteen years old. Alice likes knives. Big knives, little knives, old knives and new knives—Alice likes all kinds of knives. Alice especially likes the Swiss Army knife on sale at a nearby store. Alice saves her money for two months to buy the Swiss Army knife. One sunny day she strolls into the local department store and grabs one of the last knives on sale. Alice is excited. Alice is elated. She is so excited and so elated that she leaves the store and forgets to pay for the knife. She realizes her mistake when she is about a block away. Too late—Alice meets the store security guard and his friend from the state police. Alice is stopped by the officer.

What happens next will depend a lot on Alice. If she is calm, considerate and careful, she may be able to avoid any problems at all. If she explains the situation and has no previous record for shoplifting, she may be able to walk away after paying for the knife. The officer may decide, after talking with her, to warn and dismiss her, that is, warn her not to do it again, and dismiss her once the knife is either paid for or returned. But suppose she makes a mistake. Suppose she panics and starts to run away. She is then almost sure to find herself in custody. Suppose the officer reads her her rights, then asks her to hand over the knife. Suppose that Alice gets frustrated and throws the knife at the officer. She is then almost certain to find herself taking a trip to the detention center, and will be charged with assault on a police officer.

In Pennsylvania, for summary (very minor) offenses, the officer may issue a written citation, contact the parents and release the child to their custody—prior to a hearing. In Alice's case, if the Swiss Army knife is worth less than $100.00, and this is her first retail theft, then it is a summary offense and is treated like a traffic ticket. However, if Alice fails to pay the fine she will have to deal with juvenile court. For misdemeanor offenses (minor crimes), the police can release the juvenile to the custody of her parents. For felony offenses (major crimes), the police may ask the probation officer to detain the juvenile. They get the court to approve the detention.

THE INTAKE INTERVIEW

Alice still has a good chance to avoid big trouble. When a juvenile is arrested or taken into custody she will go to the juvenile probation office for an intake interview. This interview is usually conducted by a juvenile probation officer. During the interview, the probation officer will try to decide how serious the case is, and what kind of help the juvenile might need. The probation officer may ask a lot of questions at the interview, and the juvenile's answers may be very important. They might clear up the whole problem. Or the answers might make the probation officer think that the problem is a very serious one. The juvenile's answers also might be used later in court. If the probation officer questions the juvenile for the purpose of making an "informal adjustment" of the matter (see page 12), any incriminating statement made by the juvenile may not be used in the court hearing. For these reasons, the juvenile has a right to have a lawyer with her during the intake interview.

At the end of the intake interview, the juvenile probation officer must decide what to do with the case. If the probation officer decides that a mistake has been made and that the juvenile did not do anything wrong, then he can just dismiss the case. If the probation officer decides that the juvenile has done something wrong, he will do one of three things:

1. he will warn the juvenile and dismiss the case; or
2. he will "informally adjust" the case; or
3. he will recommend "filing a petition" with the juvenile court and go further with the case.

WARNING AND DISMISSAL

If the juvenile does not seem to need any further help from the juvenile court, the probation officer may warn the juvenile and dismiss the case. If this happens, Alice is free to go home. The case is then over as far as the juvenile court is concerned.

INFORMAL ADJUSTMENT

The juvenile probation officer may decide that a juvenile needs some form of help from the authorities, but that it is not necessary to take the case to court. In this case, the probation officer can informally adjust the case. The officer may provide the help herself, by counseling or assistance. Or she may decide that the juvenile needs special help, and send the

juvenile to a special program—like counseling or drug rehabilitation—for assistance. In either case, the purpose of the informal adjustment is to provide the necessary help to the juvenile without having the court get officially involved.

If the juvenile probation officer decides that informal adjustment is the answer, then Alice would be free to go home after the intake interview. She may get counseling, advice or other assistance for no more than six months (or an extra three months in special cases). When this time is up, the case is closed, and the authorities are no longer involved.

FILING A "PETITION"

Sometimes the juvenile probation officer may decide that a "warning and dismissal" or an "informal adjustment" is not enough. In this case, the probation officer may "file a petition" with the juvenile court, asking the court to get officially involved in the case.

The "petition" is an actual written document that is "filed" with the juvenile court. The petition in a delinquency case tells the court what the juvenile is accused of doing that is against the law and why the juvenile court needs to get involved.

The court will send a copy of the petition to the juvenile's lawyer and to the juvenile's parents. The court will attach a piece of paper—called a "summons"—that tells when the juvenile court will have a hearing on the case and that orders the juvenile to appear in court at that time.

"Filing a petition" is the most formal process in Alice's case. It is not something she can deal with on her own. If Alice does not have a lawyer yet, she should make sure she gets one as soon as the petition is filed. Alice may also request that a lawyer be appointed by the court if she or her parents are unable to pay for one.

A "CONSENT DECREE"

Sometimes, even after the petition is filed, it is still possible that the juvenile will not have to go to a hearing before the court. It is possible to work out an agreement that the juvenile will do certain things in return for having the court date postponed and for not being possibly adjudicated delinquent. This agreement is called a "consent decree," is signed by a judge and operates like a court order. The things that a juvenile may be asked to do in a consent decree include participating in special programs—like counseling or educational programs, or drug rehabilitation programs—or paying back the person who was hurt by the delinquent act.

If Alice gets a consent decree, and does everything she is supposed to do, then her court hearing will be cancelled for good. Her case will be dismissed, and the court will not be involved. She will not be adjudicated delinquent but will have a permanent record of the consent decree unless she files to have it expunged—more about this on page 13.

If Alice gets a consent decree, but then does not do everything that she is supposed to do, then she will be forced to go to a court hearing on her case.

DETENTION

Where is Alice while all of this is happening? In most cases, even if a petition is filed, she will be allowed to go home after the intake interview. She will live at home while she waits for her court hearing.

In some serious cases, but not for summary offenses, Alice might be placed in temporary care by the court. This means that she will live in a place that is supervised by the juvenile court. She will not be allowed to live at home. This place may be just like a person's home. This place also may be a secure place almost like a jail. Also, unlike adult court, children have no right to bail.

A juvenile should be placed in temporary care only in special cases, such as when the court thinks she will try to run away, or when the court thinks she is dangerous. According to the law, a juvenile should have a special hearing to see if it was right that she was placed in temporary care. This hearing must be held no more than three days after the juvenile is first put in detention.

Obviously, it is a very serious thing to be placed in temporary care. If it happens to Alice, she should make sure that her parents and her lawyer know where she is and know what is happening. She should make sure that her lawyer and her parents are at the detention hearing and are doing their best to do what is in her best interest.

Pennsylvania's Juvenile Act makes it unlawful to detain juveniles in jails or in any facility where the juvenile is likely to have contact with incarcerated adults who have been convicted of a crime or who are awaiting trial on criminal charges. A juvenile alleged to be delinquent may be detained only in:

(1) a licensed foster home or a home approved by the court;

(2) a facility operated by a licensed child welfare agency or one approved by the court;

(3) a detention home, camp, center, or other facility for delinquent children that is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare; or

(4) any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare.

Additionally, Pennsylvania's law stipulates that *dependent* youths may be detained or placed only in a Department of Public Welfare-approved shelter care facility. Offenders classified as dependent youths under Pennsylvania's Juvenile Act are not to be detained in a detention home, camp, center, or other facility for delinquent children. Dependent youths cannot be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses.

THE HEARING

If a petition is filed in Alice's case and she does not get a consent decree, then Alice will have a hearing in juvenile court to see what will happen to her. A judge or a master will hear her case. A master is a lawyer trained in juvenile law who will fill the role of a judge.

The adjudication hearing is divided into two processes:

1. to determine, beyond a reasonable doubt, that the juvenile committed the alleged act, and;
2. to determine if the juvenile is delinquent and in need of treatment supervision.

At the hearing, the judge will try to find out if Alice really did the thing she is accused of doing and if she really needs the court's help. If the judge finds out that she did not do it, or that she did do it but that she doesn't really need the court's help, then he will dismiss her case.

It is at this hearing that Alice will have the constitutional rights guaranteed by law, specifically by the famous court case *In Re: Gault:* the right to counsel, the right to confront witnesses against her and to cross-examine those witnesses, and the right not to testify against herself. Alice will not have the right to have a jury trial.

If the judge finds out that Alice did do the thing that she is accused of and that she does need help, then the judge will place Alice "under the court's jurisdiction." This means that the court now will have some control over what Alice does and what happens to her.

After the case is adjudicated, it is disposed of. This actually may happen right after the "adjudication stage" or it may happen on another day. At the "disposition stage" the judge will try to decide what kind of help Alice needs and where she needs to go to get it. The judge may order that Alice:

—pay a fine;

—make restitution or perform community service;

—be put in a special program for counseling or other help;

—be put on probation, with or without a list of conditions that she must live up to;

—be "placed" in a foster home, group home, or institution.

The judge's decision on what to do with Alice may be based on many things. One of the most important will probably be the predispositional report or investigation. Juvenile probation officers will talk to Alice and probably talk to her family, her teachers and other people as well. Based on what they see and hear about her, these probation officers will prepare a report called the predispositional investigation, or PDI. The PDI recommends certain things to the court. It might say that Alice realizes her mistake and will get lots of help and support from her family. In this case, the PDI may recommend probation. It might say in another case that the juvenile has a serious problem that is only made worse at home. In this case it might recommend that the juvenile be placed for a while in a special home. In either case, the juvenile should know that the pre-dispositional investigation is very serious and can be very important to the judge's decision on what will happen to the juvenile.

PROBATION

If Alice is placed on probation, it means that she will be allowed to live at home as long as she follows the court's orders. These orders—called the terms of probation—may be very general. For example, the judge may order that Alice stay out of trouble for the next year. Or, the terms of probation may be more specific. For example, the judge may order that Alice go to a special program, or stay away from certain places or certain people for the next year or so.

If Alice is on probation she will sometimes meet with her juvenile probation officer. The probation officer is assigned to Alice to help her along and to keep her out of future trouble. Her probation officer will find out how Alice is doing and whether she needs any help.

If Alice does everything she is supposed to do while she is on probation she will have no more problems with the court. When her probation is over, her case will be dismissed. The juvenile court will no longer be involved.

If Alice does not do everything she is supposed to do—if she violates the terms of her probation—then she will have to go back to court. If that happens, the judge once again will have to decide what to do with her. She may end up back on probation for a longer time or with more limits on what she is allowed to do. Or she may end up being placed in a foster home, a group home, or an institution.

PLACEMENT

In a serious case, the juvenile court may decide that a delinquent youth should not live in her home. The judge may decide that she cannot get the help she needs while she is living at home. In this case, the judge will order a special placement for the child; that is, the judge will order that she live somewhere else.

The placement may be a foster home. A foster home is a home regulated by a licensed agency. It may or may not be "owned" by people who are supposed to be very good with children. Usually they are just ordinary families who resemble a kid's family. The juvenile court watches over the foster home to make sure that the child is being taken care of and is getting the help she needs.

The placement may be a group home. This is like a foster home except that a number of young people may be placed there. A group home is run by a staff, not parents. The juveniles may all have a similar problem and may be able to help each other or get help together.

In very serious cases, the placement may be in an institution. There are many types of institutions. Some of them are just like group homes, but some of them are almost like prisons. Juveniles should be placed in institutions only when they can't get the help that they need anywhere else. This may happen in cases where the juvenile has a serious problem and needs constant help, where the juvenile needs special training that only a certain institution can provide, or where the juvenile is a danger to society.

No matter where Alice is placed, if she is placed outside her home there are some things she should know:

1. She should know why the court picked her placement. She should ask questions until she understands why she is being asked to live at that particular placement.
2. She should know the rules at her placement. Each placement has its own rules. Alice should know them and follow them.
3. She should know the court's plan for her. The court will have a special plan designed just for Alice. She should not be kept in one place indefinitely. The judge will review her case every six months to see how she is doing and make changes when needed. If it can be determined, Alice should know how long she is supposed to be in a certain place and what she is supposed to do if she wants to move out on time or even earlier.
4. She should know who will help her. Alice should be able to get help from her lawyer, her probation officer, or her social worker. Sometimes she may not like what they are doing but it may be helping her. She should talk to someone to make sure that she is getting the help she needs. This could be a relative, a teacher, a doctor, or any adult she trusts.

CLOSING THE CASE

A juvenile case is closed when:

—the juvenile pays the fine or finishes a court-ordered program; or

—the probation ends; or

—the juvenile is released from his "placement" and needs no more help; or

—the juvenile turns 21.

A juvenile case is closed only by an official order of the juvenile court.

COURT RECORDS

The juvenile court keeps records of each young person who comes into contact with the juvenile court system. These records are not available to the public and may be viewed only in very special circumstances by court and law enforcement officials. If a juvenile has a record that she doesn't want, she may be able to arrange to have her attorney petition to have it wiped out or "expunged". This can be done as soon as she turns 21, or 5 years after her case was closed, or 10 days after her case was "dismissed" (that is, if the court dismissed her case after the hearing or if the case was dismissed before she ever had the hearing).

A juvenile record is not automatically expunged. The juvenile or her parents can do it only by having her attorney petition the court to issue an order officially expunging the juvenile record. In some cases, a judge may not be permitted by law to expunge the juvenile's records.

WARNING: "TRANSFER" TO ADULT COURT

In some cases, a juvenile who breaks the law may end up in adult criminal court rather than in juvenile court. Any juvenile who is 14 or older and who is accused of a serious violation of the law—a "felony" in the adult system—can be put on trial as an adult if the court decides to "transfer" his case to adult criminal court. This decision is made at a special "transfer hearing." A juvenile who is faced with a "transfer hearing" should make sure that he understands what will happen -if his case is "transferred." He should make sure that his lawyer takes time to explain the situation to him and takes lots of time to prepare for the hearing. For help or information, the juvenile should get in touch with the county public defender association or the county bar association.

Teacher's Manual

To Accompany The

Pennsylvania Juvenile Justice Manual

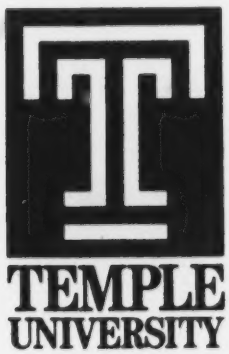
For Junior High School and
Middle School Students

Published by TEMPLE-LEAP

(Law, Education and Participation Project)

TEMPLE UNIVERSITY SCHOOL OF LAW

TEACHER'S MANUAL
to Accompany the
Pennsylvania Juvenile Justice Manual



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This manual may be duplicated in whole or in part for classroom use by school systems in the Commonwealth of Pennsylvania.

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Temple University School of Law

Preface

The Teacher's Manual to Accompany the Pennsylvania Juvenile Justice Manual was written as part of the Temple-LEAP Pennsylvania Law Related Education Training and Dissemination Project by Assistant Professor Robert L. Hayman, Jr., of the University of Missouri-Kansas City School of Law. Mr. Hayman received his Master of Laws Degree from Temple University School of Law in 1987 and was formerly Assistant Director of the D.C. Street Law Project, Washington, D.C. The materials were reviewed and edited by Beth E. Farnbach, Executive Director, Albert J. Cunningham, Project Director, and David K. Trevaskis, Education Director, Temple-LEAP, Temple University School of Law.

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Table of Contents

Strategy A - What To Do If You Are Stopped by the Police 3

Strategy B - Learning About Juvenile Justice Professionals 6

Strategy C - Helping Juveniles in Trouble 9

Strategy D - Comparing Juveniles in Trouble 13

Strategy E - Discussion Questions 16

Strategy F - Review Questions 19

Strategy G - Juvenile Justice Crossword Puzzle 26

Strategy H - Case Study: McKiever versus Pennsylvania 29

The Pennsylvania Juvenile Act

The Pennsylvania Juvenile Act (42 Pa. C.S.A., Section 6301 et sequitur) is found at volume 42, Purdons' Consolidated Statutes Annotated, section 6301 and thereafter. When you use a community resource person with your class, he or she will in all probability refer to the Act at some point. We want you to know where to find it.

INTRODUCTION

To the Teacher:

This Teachers' Manual was developed for use with the Pennsylvania Juvenile Justice Manual which was written for students in grades six through nine. The Manual is intended to teach students how the juvenile justice system operates in the State of Pennsylvania. Hopefully, it will also help convince students to stay out of trouble with the law.

As you use these materials, contact community resource persons and have them come into class to work with your students. A 1984 report by the Social Science Education Consortium which researched the characteristics of quality law-related education programs stated that the most effective law-related education classes were the ones that made the most frequent use of well-prepared outside resource persons. You will notice that several of the teaching strategies in this Manual are designed for use with a community person such as an attorney, juvenile probation officer, juvenile court judge, district justice or juvenile police officer. The way the juvenile justice system actually works varies from county to county. Use of resource people from your community will ensure accuracy of information for your students and you.

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Such resource persons make law related education realistic for students and allow them to see the law firsthand. The proper use of resource persons with your students lies at the heart of law-related education.

You will also notice the methods of role-play, small groups, and the case study in this manual. It is only by using such participatory methodology that the law comes alive for students. For a more complete discussion of such interactive classroom strategies, consult the teacher's manual to Street Law, third edition, West Publishing Co., 1986.

Strategy A: What To Do If You Are Stopped By Police

Goal: To review and apply the manual's guidelines for conduct when juveniles are stopped by the police.

Methods: This is the ideal situation to bring in a community resource person such as a police officer, juvenile attorney or juvenile probation officer from your county. Do a review with your students to identify and clarify the proper course of conduct for juveniles who are stopped by the police (see the student manual pp. 13-18). Then perform the following roleplays with students and a community person involved. De-brief each roleplay to check for student understanding, using the expertise of the community resource person to help the students understand what has occurred.

1. Roleplay: Identify students to play the roles of juveniles and police officers (resource persons may also be used in either role). Provide each participant with one of the following pieces of information (but do not permit them to see the other's role).

a. Juvenile - Use your own real name and other information. You are walking home from school after a meeting (sports, band, or any activity in which you are

involved). You are about to cross a busy intersection just two blocks from the school and you live another mile or so away. It is 4:30 p.m. Before you left the school building you stopped in the first floor bathroom. You noticed a heavy smell of marijuana but you didn't see or hear anyone.

b. Police Officer - You have reported early for rush hour traffic duty at a busy intersection where there have been frequent accidents. It is 4:30 p.m. and you aren't officially on traffic duty until 4:45. As you get out of your car at the intersection a juvenile walks past you. You note the unmistakable smell of marijuana. You know that the junior high school is just two blocks away. You also know that there have been serious drug problems there, and seeing this juvenile approaching the intersection, you choose to stop the juvenile.

Repeat the role play more than once if desired.

3. De-Brief: Assess the actions and reactions of the participants, focusing on their ability to communicate with caution but without hostility. Ask the students these questions: Were the participants able to work things out? What do you think each one had in mind? What were they trying to accomplish? Do you think the juvenile was acting

suspiciously? Do you think the police officer was being fair? What did the juvenile do that was good? What was not so good? How could the whole incident have been resolved more easily? What was the police officer's legal responsibility?

4. Roleplay II: Use the same scenario, but this time change the facts. For example, the juvenile shares the marijuana with some friends in the bathroom before walking home.

5. De-Brief II: Focus on the wisdom of the juvenile's responses and whether the juvenile is ever placed "in custody". Remind the students that when in doubt, they should stop answering questions and ask for an attorney.

Strategy B: Learning About Juvenile Justice Professionals

Goal: To increase student awareness and knowledge of the roles of juvenile justice professionals.

Method: The following classroom activities (Brainstorm, Assignment, Roleplay, DeBrief and Individual Field Reports) are designed primarily to prepare students for sessions with guest resource persons whom you, the teacher, have invited to your classroom.

1. Brainstorm: Students will describe (by hypothesis or experience) the typical duties of each of the following professionals. Either the instructor or a designated student should record the list.

   a. attorney
   b. juvenile probation officer
   c. police officer
   d. juvenile court judge
   e. social worker assigned to juvenile court

2. Brainstorm: Students will describe the ideal characteristics for each of the following professionals. Again, record the list.

   a. attorney

b. juvenile probation officer

c. police officer

d. juvenile judge

e. social worker

3. Assignment: Have students write a job description (one to three paragraphs) for each of the above professional positions.

4. Assignment: Have students draft resumes (one page) for fictitious applicants for each of the above positions. Students can make up any biographical data they choose; check only for internal consistency.

5. Roleplay: Have students conduct interviews for each of the above positions using the job descriptions and resumes prepared above. Allow individual interviewers and the entire class to select the job winners. Ask these questions: What good characteristics did each applicant offer? Why did the winners get the job?

6. De-Brief: Using the local resource persons, information and materials, compare the student hypotheses above with actual duties, job descriptions, etc. Ask these questions: What misconceptions did the class share? Are they common

misconceptions? Do they reflect a negative or positive image of the profession?

7. Individual Field Reports - Have students collect information and materials on actual career opportunities in juvenile justice or related fields. Include job requirements (age, training, skills and characteristics). Report to class and/or maintain a job opportunities notebook for the class.

Strategy C: Helping Juveniles in Trouble - Juvenile Dispositions

Goals: To have the students understand the purposes of juvenile rehabilitation services and the ways that juvenile case dispositions are developed.

Methods: This would be the perfect time to bring in a probation officer or juvenile attorney to work with your students. Review possible case dispositions with your students. Then use one of the two following hypotheticals to conduct a mock juvenile disposition hearing with the resource person present. De-brief the hearing to check for student understanding of the hearing process and juvenile dispositions.

1. Review: Review the following possible juvenile dispositions with your students and question them for understanding.

   a. probation - no conditions
   b. probation - with conditions
   c. placement - foster home
   d. placement - group home
   e. placement - institution

2. Hypotheticals

a. Chris has been adjudicated delinquent by the juvenile court. For the second time in two months, Chris was caught stealing magazines from a drugstore. The first time Chris was caught it was a summary (simple) offense. He went before the magistrate and paid a fine. But this second time it was a misdemeanor (minor crime), and it goes to juvenile court.

Both times Chris was with the same two friends - Bill and Norine. Both Bill and Norine have a history of trouble with the juvenile office, including some problems involving drugs. Chris is fourteen, and is failing many subjects in school. The only subject Chris does well in is Social Studies; Chris gets A's in that class and works very hard. The Social Studies teacher, Mr. Garfield, thinks Chris would be a good student with the right amount of support and patience. Chris' parents say they have tried everything, but can't get Chris to straighten up. Chris has an older sister who is an excellent student and has never been in trouble with the juvenile office.

b. Fran is thirteen and has been adjudicated delinquent by the juvenile court. Fran is always getting into fights, and has been brought in by police for fighting incidents on at least four occasions. The most recent problem occurred when Fran broke the arm of another youth during a fight.

Fran is bigger than most thirteen year olds and gets teased a lot. Fran is a very talented painter and is also smart, but Fran is not doing very well in school. No one at school knows much about Fran's parents or family.

3. Mock Juvenile Disposition Hearing: Select student groups for the roles of prosecuting attorneys and juvenile defense attorneys. Select one student to play the role of the juvenile judge and another to play the role of the juvenile. Choose either or both of the above hypotheticals. Have student groups meet to design their disposition and treatment plans and to plot trial strategies. Make sure that defense attorneys meet with their juvenile client to find out what the client wants. Make sure neither attorney group has access to the judge.

Select representative attorneys from each group. See if the attorneys can negotiate a plan that they both find acceptable and that is acceptable to the juvenile client. If not (or if so, perhaps using two different attorneys) conduct a mock disposition hearing, with a representative of the juvenile office arguing for a more restrictive disposition (presumably) and the defense attorney arguing for the less restrictive. The judge may ask questions of the attorneys as well as the juvenile. At the conclusion of the hearing, allow the judge to recess for a one minute deliberation.

During this time, have the class write down their decision on the disposition. The judge should then announce the "official" disposition, followed by a polling of the class.

4. De-Brief the Mock Juvenile Hearing: Use your community resource person to assist in reviewing the mock juvenile hearing process. Suggested questions follow:

How effective is the disposition hearing process?

Was the judge fair in reaching his/her decision?

Why did/did not the rest of the class agree with the judge's disposition?

Why did each student decide the way he/she did?

How close was our classroom mock juvenile hearing to the real world?

Ask the community person to comment on the presentations made by the witnesses, judge, attorneys and the juvenile in trouble.

5. Student Review: The process for choosing a case disposition and then deciding how to help the child is as follows:

a. Identify the problem.

b. Decide how severe it is.

c. Set some goals and plan to attack the juvenile's problem.

d. Decide the alternatives.

e. Select the plan best suited to help the child.

Strategy D: Comparing Juveniles in Trouble

Goals: To develop awareness of and assess the reasons for differing treatment of each juvenile in the juvenile justice system.

Methods: If you are able to invite a juvenile judge to class, this would be an appropriate time to do so. Or, bring in a juvenile lawyer. Have your students decide on dispositions to the hypotheticals below. Then have your community resource person advise and comment.

1. Hypotheticals: Each of the juveniles described below has been adjudicated "delinquent" by a juvenile court judge. The judge must now decide on a disposition.

a. John is fifteen years old and was caught smoking marijuana in school. It is his first contact with the juvenile authorities. John is from a black, middle-class family. His father is a doctor and his mother is a lawyer. John is an only child. John is a good student and is a member of the school band. He plays the drums.

b. Same facts as above, except substitute one of the following:

- Mary, not John
- seventeen years old, not fifteen

- third time caught smoking marijuana, not the first contact
- was drinking alcohol, not smoking marijuana
- was carrying a knife, not smoking marijuana
- juvenile and family are white, not black
- juvenile and family are Asian-American, not black
- parents are divorced, mother has custody and receives AFDC (welfare)
- there are two brothers (one older) and two sisters (one older)
- is a less than average student
- is an athlete (football, baseball) not band member
- father is a plumber, mother is a teacher
- John's family speaks only Spanish at home
- selling, not smoking marijuana
- cocaine, not marijuana

2. Small Group Discussions: Divide the class into groups of three to five students. Give each group one of the hypotheticals, so that each group in the class is considering a different case (different by just one fact). Tell the groups to review the case among themselves, but to be certain not to share their thoughts with other groups (you can stress the need for confidentiality). Ask each group to:

a. identify the juvenile's problem and tell how serious it is;

b. develop a list of possible programs to help the juveniles; and

c. decide on a disposition (e.g. remain with parents on probation, group home, counseling, etc.) for the juvenile.

3. Comparison: Have students explain their facts and then summarize their evaluation and treatment plans for the juvenile. Chart the results on the board. Ask these questions: Did each juvenile fare differently? Did the different facts account for the differences? Should they have made a difference? Would they make a difference to a real juvenile court judge?

Strategy E: Discussion Questions

Goal: To highlight juvenile justice topics covered in the student manual.

Methods: The following discussion questions, fifteen in number, might be used by students in participatory activities in order to involve as many students as possible in the critical thinking process. Use them as:

a. preparation exercises for visits by local resource persons;
b. individual research and report topics;
c. opinion polls (by students or the instructor);
d. debate topics;
e. small or large group discussion topics.

1. What are the causes of child abuse and neglect?

2. What are some possible ways to prevent child abuse and neglect?

3. What would you do if you knew a friend who was being abused or neglected?

4. What would you do if you knew a friend who was abusing or neglecting his child?

5. Should the courts treat juvenile offenders differently from adult offenders (e.g. should a seventeen year old thief or drug user be treated differently from a twenty year old thief or drug user)?

6. Should we permit capital punishment for juvenile offenders? (Remember, though, that this has nothing to do with juvenile court.)

7. Are the juvenile courts really designed to help or to punish juvenile offenders?

8. If the juvenile courts are there to help, then why do juveniles need lawyers at their hearings?

9. Should juvenile offenders be tried by "juries of their peers", i.e. by judges and juries their own age?

10. What things should adults be allowed to do that juveniles should not be allowed to do (e.g. drink alcohol, drive, attend "R" movies, vote, carry weapons, etc.)?

11. What is the biggest problem that most juveniles face?

12. How well do most juveniles get along with their parents?

13. What are the causes of juvenile delinquency?

14. What do juveniles most look forward to doing as adults?

15. At what age should people be considered "adults" and be permitted

a. to vote

b. to drink alcohol

c. to drive cars

d. to get married

e. to enter into contracts

f. to live on their own

g. to quit school

h. to go to adult court instead of juvenile court

i. to see "R" or "X" movies

j. to own and carry weapons

k. to consent to sexual relations

l. to be sued

m. to pay taxes

n. to work

Strategy F: Review Questions

Goal: To check for student learning and understanding of the content of the entire student manual.

Methods: These questions could be used to review student understanding of the student manual. The page references after each question are keyed to the pages of the student manual for quick reference. They may be used to check for understanding after each section of the manual is covered, or as a general review.

1. How is the modern juvenile justice system different from early juvenile courts? (pp.4-5)

2. Indicate whether the following people are "juveniles" under Pennsylvania law: (p.6)

   a. Mary is 14 and has been arrested twice for shoplifting.
   b. Denise is 14 and has never been in trouble.
   c. Michael is 22 and is arrested for drunk driving.
   d. Al is 11 and is abused by his parents.
   e. Karen is 18 and has never been in trouble.

3. According to the law, what is the main purpose of Pennsylvania juvenile justice system? (p.4)

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4. What are "dependency" cases and why are they called that? (pp.6-7)

5. What are examples of "ungovernable" juveniles and why are they called that? (p.7)

6. How are "abuse" and "neglect" cases different from "ungovernable" cases? (p.8)

7. Why is it difficult to decide sometimes just what is "abuse" or "neglect"? (pp.9-10)

8. Do children ever deserve to be abused or neglected? (p.10)

9. What should you do if you think there is a problem with abuse or neglect in your home or the home of someone you know? (p.10)

10. What is the difference between a "delinquent act" and a "crime"? (pp.11-12)

11. How are "delinquency" cases different from "abuse" or "neglect" cases? How are they different from "ungovernable" cases? (p.12)

12. When can a juvenile be tried for a crime as an adult? (p.37)

13. What is a "transfer hearing"? (p.37)

14. What is the basic reason for treating juveniles differently from adults in the court system? (p.13)

15. When can police "stop" somebody for questioning? (pp.14-15)

16. Name four things you should never do if you are stopped by a police officer. (p.16)

17. If you are stopped by a police officer, should you tell the officer your name and address? (p.16)

18. If you are sure you have done nothing wrong, what should you do if you are stopped by a police officer? (p.16)

19. If you are not sure whether you have done something wrong, or if you don't want to answer any questions, what should you do if you are stopped by a police office? (p.16-17)

20. Why should you ask for a lawyer instead of just asking for your parents if you don't want to answer any questions from a police officer? (p.17)

21. What is the difference between being "stopped" for questioning and being placed "in custody"? (pp.18-19)

22. When can a police officer lawfully place you "in custody"? (p.19)

23. What rights do you have if you are placed "in custody"? (pp.19-20)

24. Why are the following statements false?

a. Its okay to lie or make confessions before you are placed "in custody" since nothing you say then can be used against you later. (p.20)

b. If the police forget to read you your rights the case against you will be automatically dropped. (p.20)

c. Its okay to lie or make confessions after you are read your rights since nothing you say after your rights are read can be used against you later. (p.21)

25. What does it mean to "waive" your rights? How can you "waive" your right to remain silent or your right to have an attorney present during questioning? How can you make sure that you don't "waive" your rights? (pp.20-21)

26. What happens during an "intake interview"? (pp.23-24)

27. What happens to a juvenile after a "warning and dismissal"? (p.25)

28. What should a juvenile probation officer do if she thinks that a juvenile needs some help, but that the case is not so serious that she should file a petition with the juvenile court? (p.25)

29. Why is "filing a petition" the most serious thing that can happen with a juvenile case? (p.26)

30. Why is it important for a juvenile to obey the terms of a "consent decree"? (p.27)

31. What is a "detention hearing"? Why is it so important? (p.28)

32. In an adult court criminal trial, the judge or jury first decides whether a defendant is "guilty" and, if he is, the judge then pronounces a "sentence"? The juvenile court also has something like a "guilt" stage and a "sentencing" stage for juvenile hearings. What are these stages called, and how are they like the adult stages? (p.30)

33. What is a "predispositional report of investigation" "PDI" and why is it so important? (pp.31-32)

34. What is "probation"? What are examples of "terms of probation"? What happens if a juvenile does not follow the "terms of probation"? (pp.32-33)

35. What is the job of the juvenile probation officer if a juvenile is placed on probation? (p.33)

36. Name three kinds of "placements" that are possible if a juvenile is ordered to live some where besides her home. (p.34)

37. When is a juvenile case closed? (p.36)

38. What does it mean to say that "juvenile records are not automatically expunged"? (pp.36-37)

39. Draw a timeline showing the following possible steps in the juvenile justice process:

a. disposition stage of hearing
b. intake interview
c. placement
d. warning and dismissal
e. adjudication stage of hearing

f. stopped for questioning by police officer

g. probation

h. filing a petition

i. placed in custody by police officer

j. informal adjustment

k. consent decree

l. detention hearing

40. Who could you talk to if you had any questions about the Pennsylvania juvenile justice system?

Strategy G: Juvenile Justice Crossword Puzzle Exercise

Goal: To do a general review of selected concepts from the student manual.

Method: Use this puzzle as a review activity or assignment.

ANSWER KEY

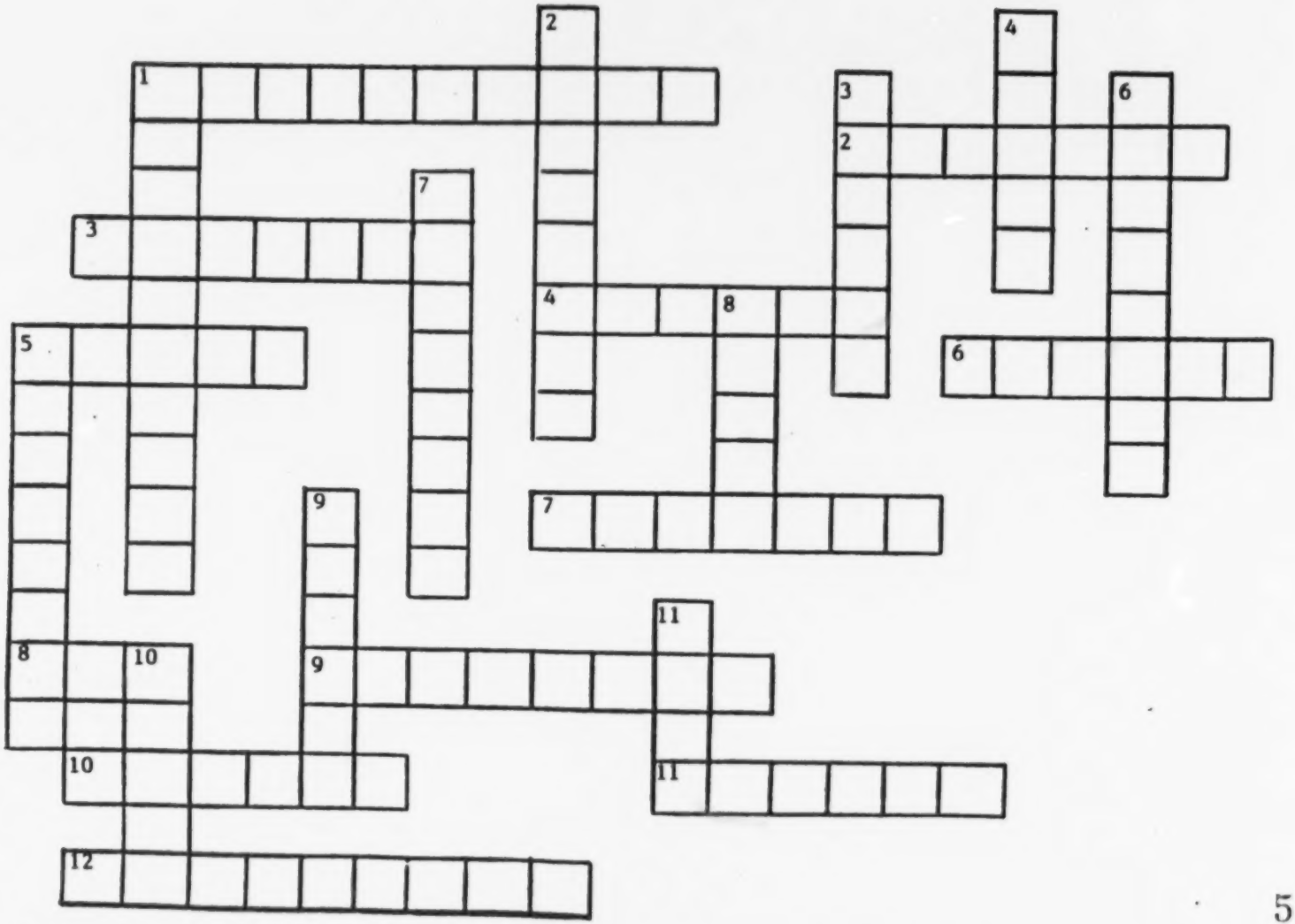
ACROSS

1. delinquent
2. officer
3. neglect
4. intake
5. judge
6. police
7. custody
8. law
9. expunged
10. rights
11. prison
12. detention

DOWN

1. dependency
2. petition
3. foster
4. crime
5. juvenile
6. petition
7. attorney
8. adult
9. silent
10. waive
11. help

Juvenile Justice Crossword Puzzle



To the student: The information sought in this puzzle is taken directly from your student manual. If you do not know an answer, check your manual.

ACROSS

1. If a juvenile does something that would be a crime for an adult to do, then the youth is said to be a juvenile _____.

2. A juvenile probation _____ may decide to "informally adjust" a case instead of taking it to court.

3. When parents mistreat their children by not feeding them properly, by not taking care of them when they are sick, or by letting them live in an unhealthy home, the parents are guilty of _____.

4. When a juvenile is arrested or taken into custody she will go to the juvenile probation office for an _____ interview.

5. In the "adjudication stage" of a hearing, the _____ will try to find out if the juvenile really did the thing she is accused of doing.

6. Never curse, insult, strike, tell lies to, or try to run away from the _____.

7. If you ask the officer "May I go now?" and he says "No", then you are in _____.

8. The PA Juvenile Justice Manual tells how juveniles are treated by the _____.

9. If a juvenile has a record that he doesn't want, he may be able to arrange to have his attorney petition to have it wiped out or _____.

10. A juvenile who is in custody as a suspected delinquent has the same basic _____ as an adult who is under arrest.

11. A juvenile who is adjudicated delinquent cannot be sent to _____.

12. A juvenile who is not allowed to live at home, but who is forced to live in a place that is supervised by the juvenile court, is said to have been placed in _____.

DOWN

1. When the juvenile justice system becomes involved in a child's life because he is not well treated at home, the case is called a _____ case.

2. The probation officer may file a _____ with the juvenile court, asking the court to get officially involved in the case.

3. A _____ home is an ordinary home owned by people who are supposed to be very good with children.

4. A juvenile delinquent is one who commits an act that would be a _____ for an adult to do.

5. In Pennsylvania, a _____ is any person under the age of eighteen.

6. The _____ is an actual written document that is filed with the juvenile court.

7. Only an _____ can best help you make sure that you do not waive your rights while in custody.

8. Any juvenile who is fourteen years of age or older, and who is accused of a serious violation of the law, might be tried as an _____.

9. A juvenile who is in custody as a suspected delinquent has the same right to remain _____ as an adult who is under arrest.

10. If you _____ your rights by answering questions, anything you then say can be used against you later.

11. In theory, the juvenile justice system is there to _____.

Strategy H: CASE STUDY

Goals:

To develop student awareness of how one seemingly minor juvenile incident can result in a court decision which can have a major effect upon the juvenile justice system. The case, McKiever v. Pennsylvania (915 S. Ct. 1976), determined that juveniles are not entitled to a jury trial at an adjudicatory hearing.

Methods:

1. Have your students read the "Story of the Case".
2. Have your students review the "Questions for Discussion".
3. This would be an appropriate time to have a juvenile officer, a probation officer, or an attorney familiar with the juvenile court system come into the class to review the facts of this case and the juvenile system in your county.
4. Have your students read "The U.S. Supreme Court's Decision". See if they agree or disagree with the no jury rule laid down in this case.

Story of the Case:

The Sixth Amendment to the United Constitution reads: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed ..."

The Fourteenth Amendment makes this right to a jury trial in criminal cases apply to the state courts as well.

In May, 1968, three young teenagers were at play in a large Pennsylvania city park. At some point they saw that they were being followed by a group of twenty or more teenage boys. Three of these boys were on bicycles. These three approached the young teenagers. One got off his bike, walked over and demanded money. One of the victims refused to give any money and was struck. A second gave the robbers a quarter. Then the gang of youths walked and rode off.

The victims were taken by a passing motorist to the police. The police briefly questioned them, and then immediately drove them around the park in an effort to identify the thieves.

A very short time later two of the victims spotted and identified the boy who they believed had robbed them - Joseph McKiever.

McKiever, then sixteen years of age, was arrested and charged with robbery, larceny and receiving stolen goods. A juvenile adjudicatory hearing was held on October 17, 1968.

The accused had only five minutes to speak with his lawyer before the case was heard. His lawyer asked that Joseph be given a jury trial, but the judge refused.

After the two victims had told their story, the judge found Joseph McKiever to be delinquent. McKiever's lawyer contended that the testimony was weak, but the judge believed the witnesses.

One witness stated that it was a gang robbery. The other said that McKiever had acted alone. Both said McKiever rode a bicycle during the robbery and that he wore no glasses. Joseph McKiever had worn glasses all his life. One witness stated that McKiever had given his bicycle to another youth. And yet, the witness also testified that he rode away on a bike and was riding a bike when he was identified and arrested. McKiever had never been arrested before and was gainfully employed.

In spite of his lawyer's argument, the judge found McKiever delinquent and gave him probation. As you know by now, probation is a juvenile disposition (sentence).

Joseph McKiever, through his lawyer, asked for a new hearing and argued that his defense case was hurt because he had been denied his Sixth and Fourteenth Amendment right to a trial by jury. The judge refused to rehear his case. Then the defendant appealed to the Superior Court of Pennsylvania, the next level of appeal. This court also refused to agree with McKiever and the lower court judge's decision stood. Then Joseph McKiever

appealed to the Pennsylvania Supreme Court, which in turn agreed with the hearing judge that Joseph McKiever was not entitled to a jury trial.

Finally, McKiever's attorneys appealed the jury trial question to the United States Supreme Court.

Questions for Discussion:

1. Why do you think Joseph McKiever wanted to have a jury hear the facts of his case?

2. If you were in Joseph McKiever's place, would you want twelve persons or one person deciding your guilt or innocence and deciding which facts are the true facts?

3. Why do you think that three different courts decided not to give Joseph McKiever the right to a jury trial?

4. Was Joseph being tried as an adult or as a juvenile?

5. Joseph was adjudicated "delinquent". That is, the judge decided that he did in fact rob the victim of the quarter and took it with him when he left. What does a Juvenile Court do next? What is the purpose of what is done next?

6. Juvenile hearings are almost always not open to the public. Why is this the case?

7. What might have occurred if Joseph McKiever had a full twelve member jury at his hearing? That is, would the public know?

8. If Joseph had been given a new hearing, this time with a jury, would the result have been the same or different?

9. Would you prefer to have had a jury trial if you were Joseph McKiever?

10. If you were one of the victims would you want Joseph McKiever to have a jury trial? Why or why not?

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The U.S. Supreme Court's Decision:

The United States Supreme Court decided the McKiever Case and at the same time several other juvenile cases which raised the same issue: "Is there a Constitutional right to a jury trial in juvenile court?"

The Supreme Court, by a six to three vote, decided "no", on June 21, 1970. Its reasons were as follows:

A. The requirement of a juvenile court jury trial would turn the hearing into an adversary process instead of one that is concerned with the well being and care of the youth accused.

B. A jury trial is not always a necessary part of every fair and equitable adult criminal trial.

C. A juvenile court jury trial would tend to make the juvenile hearing system more like a criminal court.

D. We will not force a state to have a juvenile court jury trial process. The states should be free to experiment to find the best ways to help young people in trouble.

E. A jury trial system would cause further delay, more formality and perhaps even put public trials into the juvenile system.

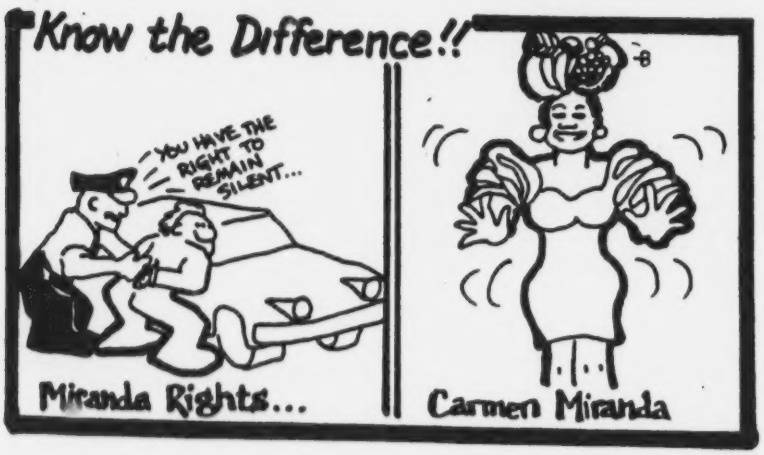
F. Most importantly, the underlying purpose of a juvenile court hearing is to help the young person

and not to punish him or her. This hearing is simply not a criminal trial, which would require that the juvenile have all the Constitutional rights of an adult criminal defendant.

The three dissenting justices argued that a right to a juvenile court jury trial ought to be required when a juvenile is accused of violating state criminal law, having done "an act for which an adult may be punished by law". Especially important is the fact that a juvenile court might decide to place a youngster in a state home until the age of 21. This might result in a large period of time when the youth is under the control of the juvenile court system - perhaps a longer time than an adult would serve in prison, were he or she convicted in adult criminal court.

Joseph McKiever's case is still the law all over the nation. Whatever Constitutional rights juveniles do have, they are not entitled to a jury trial at a juvenile court adjudication hearing by the United States Constitution.

JUST FOR FUN!



— SPEAK WITH A TRUSTED ADULT! —

(TYPICAL COURT RECORDS)

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